

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CRAIG JERMAINE GARDNER,**

**Plaintiff,**

**v.**

**FIRST JUDICIAL DISTRICT OF**

**PENNSYLVANIA, *et al.*,**

**Defendants.**

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**Case No. 2:24-cv-1181-JDW**

**ORDER**

AND NOW, this 23rd day of May, 2024, upon consideration of Craig Jermaine Gardner's Motion To Proceed *In Forma Pauperis* (ECF No. 1), Prisoner Trust Fund Account Statement (ECF No. 3), and *pro se* Complaint (ECF No. 2), it is **ORDERED** as follows.

1. The Motion To Proceed *In Forma Pauperis* (ECF No. 1) is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Craig Jermaine Gardner, #MG-7759, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Superintendent of SCI Fayette or other appropriate official shall assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Mr. Gardner's inmate account; or (b) the average monthly balance in Mr. Gardner's inmate account for the six-month period immediately preceding the filing of this case. The

Superintendent or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Mr. Gardner's inmate trust fund account exceeds \$10.00, the Superintendent or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Mr. Gardner's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court shall send a copy of this Order to the Superintendent of SCI Fayette.

4. The Complaint is **DEEMED** filed.

5. The Complaint is **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for the reasons stated in the accompanying Memorandum. Mr. Gardner may not file another civil rights action based on the events at issue unless and until his state court conviction is reversed, vacated, or otherwise invalidated.

6. The Clerk of Court shall furnish Mr. Gardner with a **completely blank** copy of this Court's current standard form for filing a petition pursuant to 28 U.S.C. § 2254. Mr. Gardner may use this form to challenge his convictions in federal court if he seeks to do so. If Mr. Gardner files a habeas petition it shall be docketed as a new case; it should not be docketed in the instant civil rights action.

7. The Clerk of Court shall close this case.

**BY THE COURT:**

*/s/ Joshua D. Wolson*

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**JOSHUA D. WOLSON, J.**